

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JOHN DOE

PLAINTIFF

v.

No. 1:19CV151-MPM-RP

JOB REYES RIVERA, ET AL.

DEFENDANTS

**ORDER *DENYING* PLAINTIFF’S MOTION [104]
FOR DEFAULT JUDGMENT**

This matter comes before the court on the plaintiff’s motion [104] for default judgment against defendant Job Reyes Rivera. “Because of the seriousness of a default judgment, and although the standard of review is abuse of discretion, even a slight abuse of discretion may justify reversal.” *CJC Holdings, Inc. v. Wright & Lato, Inc.*, 979 F.2d 60, 63 n. 1 (5th Cir. 1992). (quotations omitted); *see also United States v. One Parcel of Real Property*, 763 F.2d 181, 183 (5th Cir. 1985). Furthermore, federal courts should not be agnostic with respect to the entry of default judgments, which are “generally disfavored in the law” and thus “should not be granted on the claim, without more, that the defendant had failed to meet a procedural time requirement.” *Mason & Hanger-Silas Mason Co. v. Metal Trades Council*, 726 F.2d 166, 168 (5th Cir. 1984). Thus, “where there are no intervening equities any doubt should, as a general proposition, be resolved in favor of the movant to the end of securing a trial upon the merits.” *Gen. Tel. Corp. v. Gen. Tel. Answering Serv.*, 277 F.2d 919, 921 (5th Cir. 1960). As discussed in the court’s memorandum opinion and judgment, defendant Rivera has never been properly served with process, and the plaintiff’s allegations against him fail to state a valid legal claim. For these reasons, the instant motion [104] for default judgment is **DENIED**.

SO ORDERED, this, the 28th day of August, 2020.

/s/ Michael P. Mills
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**